

CONFERENCE COMMITTEE REPORT DIGEST FOR ESB 538

Citations Affected: IC 12-7; IC 12-22; IC 31-34.

Synopsis: Conference committee report for ESB 538. Children's services. Provides for the division of mental health to award grants to local units of government for the establishment of local programs responsible for developing a coordinated, family centered, community based system of services for children with serious emotional disturbances and their families. Provides that the division of family and children may not initiate a court proceeding to terminate parental rights or transfer legal custody, or require a parent to agree to the termination of parental rights or transfer of custody, of a child with certain disorders who is voluntarily placed out of the home in order to receive treatment. Allows the division and parent to sign a voluntary placement agreement. (The introduced version of this bill was prepared by the Indiana commission on mental health.) (This conference committee report: (1) substitutes prohibition of parental rights language from HB 1650 for language in ESB 538; and (2) removes the requirement that a certain agreement must be signed.)

Effective: July 1, 2001.

Adopted

Rejected

CONFERENCE COMMITTEE REPORT

MR. SPEAKER:

Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill No. 538 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

- 1 Delete the title and insert the following:
- 2 A BILL FOR AN ACT to amend the Indiana Code concerning human
- 3 services.
- 4 Page 3, line 41, after "not" insert ":
- 5 (1) initiate a court proceeding to:
- 6 (A) terminate the parental rights concerning; or
- 7 (B) transfer legal custody of; or
- 8 (2) require a parent, guardian, or custodian to consent to:
- 9 (A) the termination of parental rights; or
- 10 (B) transfer of legal custody of;
- 11 a child with an emotional, a behavioral, or a mental disorder or a
- 12 developmental or physical disability who is voluntarily placed out
- 13 of the home for the purpose of obtaining special treatment or care,
- 14 solely because the parent, guardian, or custodian is unable to
- 15 provide the treatment or care. Relinquishment of custody of a child
- 16 described in this subsection may not be made a condition for
- 17 receipt of services or care delivered or funded by the division of
- 18 family and children.
- 19 (b) When a child described in subsection (a) is voluntarily placed
- 20 out of the home to receive special treatment or care, the division of
- 21 family and children and the parent, guardian, or custodian of the

- 1 **child may execute a voluntary placement agreement that includes**
2 **the following:**
3 **(1) A statement that, by entering into a voluntary placement**
4 **agreement, the parent, guardian, or custodian of the child is**
5 **not transferring legal custody of the child to the division of**
6 **family and children.**
7 **(2) A statement specifying the legal status of the child.**
8 **(3) A statement specifying the rights and obligations of the**
9 **parent, guardian, or custodian."**
10 Page 3, delete line 42.
11 Delete page 4.
(Reference is to ESB 538 as reprinted April 10, 2001.)

Conference Committee Report
on
Engrossed Senate Bill 538

Signed by:

Senator Johnson
Chairperson

Representative Crosby

Senator Alexa

Representative Goeglein

Senate Conferees

House Conferees